

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SHELDON G. ADELSON,

Plaintiff,

v.

MOSHE HANANEL,

Defendant.

Docket No. 04CV10357RCL

**MOTION TO STRIKE AFFIDAVIT OF MOSHE HANANEL**

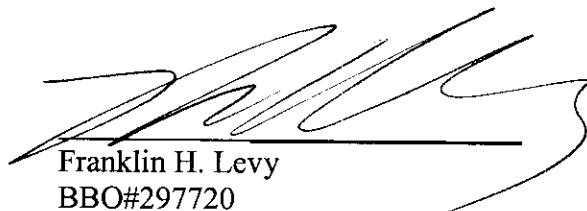
The plaintiff moves that the Affidavit of Moshe Hananel be stricken for the following reason:

1. In paragraph 24 of the Affidavit, Hananel makes specific reference to a proposed "Settlement and Release Agreement" received from "Adelson's counsel". The proposed Settlement Agreement is attached as Exhibit 3 to the Affidavit.
2. Recitation of a proposed Settlement Agreement is improper and inadmissible under Rule 408 of the Federal Rules of Evidence.
3. Hananel is using the settlement negotiations as evidence of liability. This is

specifically addressed by Rule 408 and is precisely what the Rule prohibits.

SHELDON G. ADELSON

By his attorneys

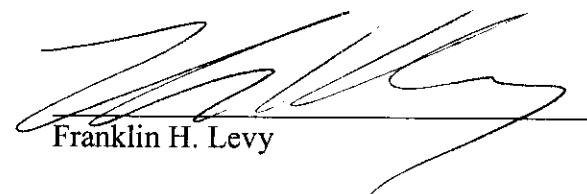


Franklin H. Levy  
BBO#297720  
DUANE MORRIS LLP  
470 Atlantic Avenue, Suite 500  
Boston, MA 02210  
617.289.9200

Dated: July 15, 2004

**CERTIFICATION**

Pursuant to Local Rule 7.1 I certify that I telephoned defendant's counsel James Hamilton on July 14 and July 15, 2004 to discuss the above referenced motion. On both calls I left messages describing the purpose of the call and this motion. I received no return call. On the afternoon of July 15 I again called and spoke to an individual who told that Mr. Hamilton is on vacation.



Franklin H. Levy